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SUBJECT: OUTCRY OVER AG SABIT'S REACTION TO NEGATIVE MEDIA
COVERAGE

11. (U) SUMMARY: Angered by an April 17 news broadcast which he maintains took his comments out of context, Attorney General Sabit ordered the immediate summons of two Tolo TV news staff for questioning that evening. When Tolo TV legal advisor Mohammad Abdullah, general manager Siddiq Ahmadzada, and security manager Lal Mohammad refused to allow police to detain the anchor and news coordinator summoned by Sabit, police detained them instead for impeding the order. Four employees of the Associated Press who were observing the incident were also detained. Abdullah, Ahmadzada, and Mohammad maintain that they were beaten and had their phones confiscated while in police custody. Although it does not appear that Sabit acted outside of his purview as Attorney General, his response was clearly an overreaction that will undoubtedly heighten national and international scrutiny of GOA treatment of the media and the upcoming Parliamentary debates on the Media Law. End summary.

NEGATIVE MEDIA COVERAGE INCITES IRE FROM SABIT

12. (U) During its regular 6:00 evening newscast, Tolo TV aired a one minute clip of AG Sabit stating before Parliament that, "There is no appropriate system in the government." The newscast also reported Sabit to have said that prisoners sentenced to the death penalty would soon be hanged and that the President would welcome Gulbuddin Hekmatyar and others into the government. (Note: Today the Presidential spokesperson issued a clarification of the Palace position on this. End note.) Sabit was upset by the coverage which took his comments out of context. During an April 18 meeting with the Embassy, Sabit said he first asked for Tolo TV to issue a retraction, which was refused. He then ordered police under the Ministry of Interior (MOI) to summon the news anchor and the news coordinator

for that evening's broadcast for questioning. When police arrived at Tolo TV headquarters, they met with Tolo TV legal advisor Mohammad Abdullah and general manager Siddiq Ahmadzada, who argued that the news anchor was not responsible for the content and said they would send representatives of Tolo TV to meet with AG Sabit the following morning.

13. (U) According to Tolo, the police and Tolo TV management then walked out of the building together, where employees of the Associated Press (AP) were waiting to interview them about Sabit's detention order which had already become breaking news. As the AP began its interview of Tolo management, Kabul district police chief showed up and demanded the immediate detention of the news anchor and news coordinator. When Tolo management refused, the Kabul police chief detained Ahmadzada, Abdullah and Tolo security manager Lal Mohammad along with the four AP staff. During an April 18 meeting with the Embassy, Ahmadzada and Abdullah maintained that police confiscated their cell phones and beat them with the end of their guns. Ahmadzada and Abdullah showed Embassy officers bruises on their neck and arm from their alleged mistreatment.

14. (U) Abdullah, Ahmadzada and Mohammad said they were taken to the Attorney General's Office for questioning by Deputy Attorney Generals Hamidi Arab and Temar Shah, who pointed out that Sabit had spoken to the Parliament for over an hour and asked why Tolo did not show the full speech. All were released approximately one hour later,

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but repeated news coverage of Sabit's statements and the detention of Tolo TV and AP staff continued throughout the night.

SABIT ACTED WITHIN THE LAW

15. (U) Local media aired coverage of Tolo TV management, other journalists and prominent members of Parliament such as Shukria Barakzai condemning Sabit's actions as illegal throughout the day on April 18. However, it does not appear that Sabit acted outside of his purview as Attorney General. The Afghan Mass Media Law passed by Presidential Decree in 2005 prohibits material that is "libelous and slanderous," and Sabit maintains that Tolo TV's mischaracterizations of his comments fall under this category. Sabit does hold the authority to summon Afghan citizens for questioning without a warrant or written documentation. During an April 18 meeting with the Embassy, Sabit asserted that his only intention was to summon the appropriate Tolo employees for questioning and try to work out an arrangement to correct the coverage, but that the incident had been blown way out of proportion. As far as allegations by Tolo management that they were beaten and their cell phones illegally confiscated, Sabit's defense was that he is not responsible for the misconduct of police officials and that if presented evidence, he would investigate the allegations. He says he simply ordered police to detain two specific Tolo employees, not to detain other Tolo staff, beat them or to detain the AP employees.

GOA REACTION

16. (U) The Bakhtar News Agency published the

following statement from the Ministry of Information and Culture the same evening of the incident: "This evening the security precinct summoned three personnel from Tolo TV to the police station and conveyed to them the Attorney General's complaint about the telecasting of his press conference by this TV channel. After conveying this, the Tolo personnel were released. The Ministry of Information and Culture emphasizes that reviewing such complaints and violations is the duty of the Media Commission. The Minister of Information and Culture in phone contact with Saad Mohseni, owner of Tolo TV, informed him of the release of the Tolo employees, telling him that the Media Commission would review this event." Note: While the Media Commission for Complaints and Violations is responsible for reviewing complaints of inaccurate media coverage and determining whether they should go before the court or can be mediated, Afghan law does not preclude Sabit from conducting an investigation of the complaints before the Media Commission reviews the case.

COMMENT

17. (U) While Sabit may not have disobeyed the law, his response to the media coverage of his statements was clearly an overreaction, which Palace officials have described to the Embassy as "embarrassing." A peaceful demonstration of approximately 100 journalists called for by the Afghan National

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Journalists Union gathered in front of Parliament today to protest what they see as Sabit's abuse of his authority and police misconduct. These events will certainly bring additional scrutiny and heightened tensions to the upcoming Parliamentary debates on the Media Law slated to happen soon - and Karzai will not be able to escape the attention placed on his volatile Attorney General, either.
WOOD